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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: GONDA, Matthew Examiner: PAK, Michael
Serial No: 10/508,965 Group Art Unit: 1646
Filing Date: April 11, 2005 Confirmation No.: 9899
Corresp. to: PCT/US03/08611
Int. Filing Date: March 20, 2003
Title: RECOMBINANT EXPRESSION VECTORS FOR
FUNCTIONAL NAV1.9 SODIUM CHANNELS

VIA EFS WEB FILING – WWW.USPTO.GOV

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

In response to the Election/Restriction Requirement mailed July 3, 2007, entry and consideration of the following remarks are requested. The deadline for responding to the Election/Restriction Requirement without fees was August 3, 2007. A five (5) month extension of time from August 3, 2007, up to and including January 3, 2008, is hereby respectfully requested, and the extension fee of \$1115 for a small entity under 37 C.F.R. § 1.17(a) is being paid via electronic credit card authorization. Applicant submits that the present Response is timely submitted on January 3, 2008.

Applicant respectfully elects Group II (claims 1-2, 4, 6-11, 25-27, and 29-33), drawn to human expression vectors, host cells, and methods of producing protein.

Applicant understands the Office communication to set forth also a requirement to elect one sequence. Applicant notes that election of Group II as mentioned above already restricts the invention to expression vectors, host cells, and methods of protein production relating to the amino acid sequence listed as SEQ ID NO: 4, which can be encoded by the nucleic acid sequence listed as SEQ ID NO: 5. If Applicant is required to elect one of these two sequences, Applicant traverses this restriction requirement on the

grounds that it would not be an undue search burden to search both sequences. Applicant submits that the two sequences are related to each other (i.e., a nucleic acid having the sequence listed in SEQ ID NO: 5 can encode an amino acid having the sequence listed in SEQ ID NO: 4). Nevertheless, solely in order to submit a complete response to the Restriction Requirement, Applicant elects SEQ ID NO: 4, an amino acid sequence relating to human Nav1.9 channels.

Applicant reserves the right to pursue claims to non-elected species upon allowance of a generic claim.

Please charge any necessary fees or credit any overpayments to our Deposit Account No. 03-1721.

Respectfully submitted,

Dated January 3, 2008

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